

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

BRADLEE MARSHALL ROSS,

Plaintiff,

v.

CASE NO. 17-3130-SAC

(NFN) HORN, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights action filed under 42 U.S.C. § 1983. On August 29, 2017, Magistrate Judge Waxse entered an order directing plaintiff to submit an initial partial filing fee on or before September 29, 2017. The copy of the order mailed to plaintiff was returned as undeliverable, and plaintiff has not advised the Court of a change of address as required by the rules of the Court. See D.Kan.R. 5.1(c)(3).

The Court has examined the record and concludes this matter may be dismissed without prejudice under Fed.R.Civ.P. 41(b) due to plaintiff's failure to prosecute this matter by complying with the rules and directions of the Court. Rule 41(b) "has long been interpreted to permits courts to dismiss actions sua sponte for a plaintiff's failure to prosecute or comply with the rules of civil procedure or court's orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003).

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice under Fed.R.Civ.P. 41(b).

IT IS FURTHER ORDERED plaintiff's motion for leave to proceed in forma pauperis (Doc. #2) is denied as moot.

IT IS SO ORDERED.

DATED: This 10th day of October, 2017, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge